

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DCO-113

No. 20-1966

UNITED STATES OF AMERICA

v.

FREDERICK H. BANKS,
Appellant

(W.D. Pa. No. 2-15-cr-00168-001)

Present: RESTREPO, PORTER and SCIRICA, Circuit Judges

1. Clerk's Submission for Possible Dismissal Pursuant to Jurisdictional Defect.
2. Response filed by Appellee to Clerk's Submission for Possible Dismissal Pursuant to Jurisdictional Defect.
3. Response filed by Appellant to Clerk's Submission for Possible Dismissal Pursuant to Jurisdictional Defect.

Respectfully,
Clerk/clw

ORDER

In this appeal, the defendant appeals a pre-sentencing order dismissing, without prejudice and subject to reassertion by counsel, his pro se motion for release to home confinement pending sentencing.

The issue of the defendant's prejudgment detention is moot now that he has been sentenced. Cf. Murphy v. Hunt, 455 U.S. 478, 481 (1982) (finding that "claim to pretrial bail was moot once [defendant] was convicted"); United States v. O'Shaughnessy, 772 F.2d 112, 113 (5th Cir. 1985) (dismissing bail appeal as moot after intervening conviction and sentence).

The appeal is therefore DISMISSED.

By the Court,

s/Anthony J. Scirica



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

Circuit Judge

Dated: October 8, 2020

CLW/cc: Laura S. Irwin, Esq.
Marvin Miller, Esq.